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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

* * * *

10 THE UNITED STATES OF AMERICA,

11 Plaintiff,

12 |

IN EQUITY

3:73-CV-0003-LDG

13 ORR WATER DITCH COMPANY, et al.,

Defendant.

ORDER APPROVING WATER MASTER'S BUDGET FOR
2015-2016; CREATING AN ASSESSMENT TO REPLENISH
THE FUND HERETOFORE ESTABLISHED TO PAY THE
EXPENSE OF CONDUCTING THE WATER MASTER'S
OFFICE; CREATING A SPECIAL ASSESSMENT TO
CONTINUE THE FUND HERETOFORE ESTABLISHED TO
PAY THE EXPENSE OF SPECIAL ADMINISTRATION
OF STEAMBOAT CREEK AND THE WASHOE LAKE
OR UPPER STEAMBOAT CREEK AND THE WASHOE LAKE
RESERVOIR; APPORTIONING THE COSTS THEREOF;
AND PROVIDING THE MANNER AND METHOD FOR COLLEC-
TION THEREOF; AND APPROVING THE WATER MASTER'S
ADMINISTRATION OF THE DECREE FOR 2014-2015

23 **BE IT REMEMBERED** that the petition of CHAD BLANCHARD, Water
24 Master appointed herein to administer the Final Decree entered
25 on September 8, 1944, asking that an assessment be created to
26 replenish the fund heretofore established to pay the expenses of

1 conducting the office of the Water Master, and a special
2 assessment be created to replenish the fund heretofore
3 established to pay the expense of his special administration of
4 Steamboat or Galena Creek, Washoe Creek or Upper Steamboat Creek
5 and the Washoe Lake Reservoir, and approving the Water Master's
6 administration of the Decree for 2014-2015, and approving the
7 filing of an audit for 2014-2015, by January 15, 2016, and for
8 such other action as might seem meet and proper in the premises,
9 filed with the Clerk of this Court on November 13, 2015, having
10 come on for hearing this date pursuant to proper notice, and all
11 parties having the opportunity to be heard on objections filed,
12 and good cause appearing,

14 **NOW, THEREFORE, IT IS HEREBY ORDERED:**

15 1. That the estimated general budget for the period from
16 October 1, 2015, to September 30, 2016, submitted by the Water
17 Master on November 13, 2015, as part of his petition, is hereby
18 approved.

19 2. That in order to provide a means for the payment of
20 further expense of conducting the office of the Water Master,
21 particularly for the period from October 1, 2015 to September 30,
22 2016, there is hereby created an assessment in the sum of FOUR
23 HUNDRED FIFTY THOUSAND DOLLARS (\$450,000.00) to replenish the
24 fund heretofore established, and that the same be, and hereby is
25 apportioned to be paid and borne as provided in the Final Decree,

1 to wit:

2 One-third by the United States of America,
3 one-third by the TRUCKEE MEADOWS WATER AUTHORITY
4 and the remaining one-third by the remaining
5 persons or corporations whose rights are
6 adjudicated by this Decree.

7 3. That the Truckee-Carson Irrigation District and the
8 Bureau of Indian Affairs of the United States of the Interior be,
9 and they hereby are, ordered and directed to pay the office of
10 the Water Master in this case, as their apportioned one-third
11 assessment, the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS
12 (\$150,000.00); that NINETY-TWO and ONE-HALF PERCENT (92-1/2%) of
13 said amount, being the sum of ONE HUNDRED THIRTY-EIGHT THOUSAND
14 SEVEN HUNDRED FIFTY DOLLARS (\$138,750.00), is to be borne by the
15 Truckee-Carson Irrigation District for Newlands project lands,
16 and SEVEN and ONE-HALF PERCENT (7-1/2%) of said amount, being
17 the sum of ELEVEN THOUSAND TWO HUNDRED FIFTY DOLLARS
18 (\$11,250.00), is to be borne by the Bureau of Indian Affairs of
19 the United States Department of the Interior for Pyramid Indian
20 lands, such assessment to be paid on or before April 30, 2016.

21 4. That defendant, TRUCKEE MEADOWS WATER AUTHORITY, be,
22 and it is hereby ordered, and directed to pay the office of the
23 Water Master in this case, as its apportioned one-third of the
24 assessments, the sum of ONE HUNDRED FIFTY THOUSAND DOLLARS
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1 (\$150,000.00), the assessment to be paid on or before April 30,
2 2016.

3 5. That the "remaining persons or corporations whose
4 rights are adjudicated by this Decree, or their successors in
5 interest", be, and they hereby are, ordered and directed to pay
6 as their apportioned one-third of the assessment, the total sum
7 of ONE HUNDRED FIFTY THOUSAND DOLLARS (\$150,000.00), payable as
8 more specifically hereinafter set forth.

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10 6. That Washoe County Water Conservation District be, and
11 it hereby is, directed to levy and collect prorata assessments
12 from the remaining persons or corporations whose rights were
13 adjudicated by this Decree and whose lands are within the
14 boundaries of the Washoe County Water Conservation District in
15 the amount of SIXTY-FIVE PERCENT (65%) of their apportioned one-
16 third shares of the total assessments provided for in this
17 Decree, being the sum of NINETY-SEVEN THOUSAND FIVE HUNDRED
18 DOLLARS (\$97,500.00); that Washoe County Water Conservation
19 District be, and it hereby is, directed to allocate said sum
20 among its members as aforesaid, according to a schedule of
21 charges based upon acreage, including minimum charges applicable
22 to fractional acreage, which schedule shall be subject to the
23 approval of the Water Master, and that the Washoe County Water
24 Conservation District shall pay the aforesaid sums collected by
25 such District for the Water Master on or before April 30, 2016.
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1 7. That the remaining persons or corporations whose
2 rights were adjudicated by this Decree and whose lands are
3 outside of the boundaries of the Washoe County Water
4 Conservation District be, and hereby are, ordered and directed
5 to pay THIRTY-FIVE PERCENT (35%) of their apportioned one-third
6 share of the total assessments provided for in this Decree,
7 being the sum of FIFTY-TWO THOUSAND FIVE HUNDRED DOLLARS
8 (\$52,500.00); that the Water Master, CHAD BLANCHARD, be, and
9 hereby is, directed to collect such sums as aforesaid according
10 to a schedule of charges, which charges shall be paid to the
11 Water Master on or before April 30, 2016, as follows: The
12 minimum assessment of SEVENTEEN DOLLARS AND 20 CENTS (\$17.20)
13 against those parties owning fifty (50) acre-feet or less;
14 against those parties owning more than fifty (50) acre-feet, the
15 sum of THIRTY-FIVE CENTS (\$.35) for each acre-foot.

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17 8. That the Water Master, CHAD BLANCHARD, be, and hereby
18 is, directed to continue to maintain as part of the Water
19 Master's fund, a separate bank account or accounts known as the
20 "Excess Payment Account" heretofore established pursuant to an
21 order of this Court, only as to the assessments collected from
22 the remaining persons or corporations whose lands are outside
23 the boundaries of the Washoe County Water Conservation District,
24 and who are responsible for THIRTY-FIVE PERCENT (35%) of their
25 apportioned one-third share of the total assessments provided
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1 for in this Decree; and that any excess sums which are collected
2 and deposited in said account shall be held in such account, and
3 subject to disbursement only as may be directed from time to
4 time by this Court.

5 9. That the Water Master's estimated excess payments
6 account budget for the period from October 1, 2015 to September
7 30, 2016, submitted by the Water Master on November 13, 2015, as
8 part of his petition herein, is hereby approved.
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10 10. That the Water Master's report and audit for the
11 fiscal year ending September 30, 2015, filed with the court on
12 December 30, 2015, is hereby approved.

13 11. That the Water Master is granted authority to continue
14 the additional duties of supplying hydraulic data and assisting
15 in the coordination of the operation of the Prosser Creek and
16 Stampede Reservoirs in the State of California pursuant to a
17 request therefore made by the Bureau of Reclamation of the
18 United States Department of the Interior, his services in that
19 connection to be compensated for at a sum not to exceed ONE
20 HUNDRED SIXTY-SIX THOUSAND DOLLARS (\$166,000.00) per year; that
21 the Prosser Creek and Stampede Reservoirs' operation budget for
22 the period from October 1, 2015, to September 30, 2016,
23 submitted by the Water Master on Petition filed November 13,
24 2015, is hereby approved.
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26 12. That all monies collected from the Bureau of
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1 Reclamation of the United States Department of the Interior
2 pursuant to this Order shall be deposited by the Water Master in
3 a special fund of the Water Master's office.

4 13. That the Water Master shall include in the annual
5 report and audit by a certified public accountant, required to
6 be filed by him with the Court on or before January 15, 2017, a
7 report concerning his services rendered the Bureau of
8 Reclamation of the United States of the Interior for the period
9 ending on September 30, 2016, and an audit of the monies
10 collected and expended by him in connection with such services.

12 14. That the Budget submitted by the Water Master on
13 November 13, 2015, as an Exhibit "B" (Special Fund) to his
14 petition, as the necessary expenses to be incurred by the Water
15 Master in administering the provisions of the Final Decree
16 relating to Steamboat or Galena Creek, Washoe Creek or Upper
17 Steamboat Creek and the Washoe Lake Reservoir from October 1,
18 2015 to September 30, 2016 is hereby approved.
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20 15. That in order to provide a means for the payment of
21 the additional necessary expenses to be incurred by the Water
22 Master in administering the provisions of the Final Decree
23 relating to Steamboat or Galena Creek, Washoe Creek or Upper
24 Steamboat Creek and the Washoe Lake Reservoir for the period
25 from October 1, 2015, to September 30, 2016, there are hereby
26 created special assessments in the total sum of EIGHTEEN
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1 THOUSAND DOLLARS (\$18,000.00), more or less, as shown in the
2 Special Assessment Roll on the records of the Water Master, to
3 continue the fund heretofore established on July 27, 1962, by an
4 Order of this Court for special administration.

5 16. That the water users named in the Special Assessment
6 Roll on the records of the Water Master, be, and they hereby are,
7 ordered and directed to pay the office of the Water Master the
8 sums of money specified as their share of such special
9 assessments in such Special Assessment Roll on or before April
10 30, 2016.

12 17. That all monies collected as such special assessments
13 pursuant to this order, shall be deposited by the Water Master
14 in a special fund of the Water Master's office.

15 18. That the Water Master shall include in the annual
16 report and audit by a certified public accountant, required to
17 be filed by him with the Court on or before January 15, 2017, a
18 report concerning his special administration of the water of
19 Galena or Steamboat Creek, Washoe Creek or Upper Steamboat Creek
20 and the Washoe Lake Reservoir for the period from October 1,
21 2015 to September 30, 2016, and an audit of the special
22 assessment monies collected and expended by him in the
23 supervision of such stream system for said period.

25 19. That the Water Master shall continue to operate the
26 reservoirs of Boca and Lake Tahoe.

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1 20. That each and all of the various assessments and
2 special assessments above stated and apportioned to the various
3 parties hereto are hereby adjudged to the extent of the various
4 assessments and special assessments to be a charge and
5 obligation taxable and payable as costs in this action, the same
6 as if entered in a judgment or decree, and to be and remain
7 until paid, a first lien, against all right, title and interest
8 of the above-named defendants, intervenors, parties or persons,
9 and their predecessors and successors in interest, in the lands,
10 ditches, water and water rights and works owned or claimed by
11 them, or as shown, appearing, mentioned or described in the
12 findings or in the papers in this case. *QED*

14 21. That if any of the sums so assessed, apportioned and
15 allowed remain unpaid thirty (30) days after the date mentioned
16 for the payment thereof, attachments for contempt may issue
17 against the party or parties failing to make any payments so
18 ordered to be made, and execution may issue for the recovery,
19 satisfaction or obtaining of payment thereof against the parties,
20 intervenors or persons liable for the payment thereof as above
21 allowed, together with a reasonable late payment fee, and
22 against their right, title and interest in the lands, ditches,
23 water and water rights and works, and other property, whether
24 conveyed after the commencement of this suit or not; and the
25 same may be seized and sold to pay and satisfy such amount so
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1 allowed and remaining unpaid, together with costs, and a
2 reasonable late payment fee not less than TEN DODLLARS (\$10.00),
3 the same as in cases of foreclosure of mortgage and liens, or
4 upon judgment in ordinary actions at law or in equity, and the
5 Water Master is hereby authorized and empowered to shut off the
6 water of any party failing to make any payments assessed against
7 him or her, or his or her water rights, at the time or times at
8 which the same should be made, such water to remain shut off
9 until such time as any such payments shall be made, and the
10 costs of shutting off such water shall be assessed against any
11 such party.

13 22. That the Water Master, CHAD BLANCHARD, be, and hereby
14 is, directed to continue in effect the surety bond in the sum of
15 FIFTY THOUSAND DOLLARS (\$50,000.00) heretofore provided pursuant
16 to his order of appointment for the faithful performance of his
17 duties as custodian of such funds and the property that may be
18 in his care.

19 23. That the operation and administration of the Water
20 Master's office in administering the provisions of the Final
21 Decree for the period from October 1, 2014 to September 30, 2015,
22 is hereby approved.

24 24. That the parties in interest must notify the office of
25 the Water Master when title to a water right is changed, and
26 that the Water Master shall not be required to deliver water to
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1 any new owner unless written notice of such change is received
2 by the Water Master's office.

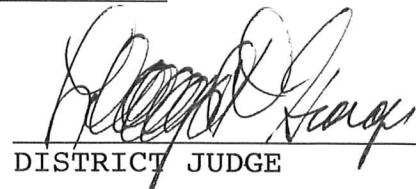
3 25. That the Water Master is directed to create a funded
4 account pursuant to existing Personnel and Benefits Policy to
5 cover the cost of continuing health insurance on qualified
6 personnel, upon their retirement, and that the cost shall be
7 included in the Water Master's Budget each year until such time
8 as the earned benefit is exhausted.

9 26. That the Clerk of this Court give notice of the
10 required payments to be made by each water user by mailing a
11 copy of this Order and the Notice annexed hereto to each of the
12 attorney's appearing of record for the Plaintiff and sundry
13 Defendants in this cause within five (5) days of the entry of
14 this Order; the Water Master is further directed to give such
15 notice to the parties hereto and their successors and assigns by
16 publishing a copy of the Notice annexed hereto in the Reno
17 Gazette-Journal once a week for two (2) successive weeks.

18 This Order is made subject to such further orders as the
19 Court may deem proper to make hereafter regarding this Order for
20 the compensation or expenses of the Water Master and his
21 assistants or the payment thereof.

22 DATED this 24 day of Feb. 2016.

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DISTRICT JUDGE